



Three-Part Telephone & E-mail Seminar:

## Business Immigration Law

*Speakers: Rodney Malpert, Amanda Petersen, Steven Brotherton, Romulo Guevara, Richard Gump, Sandra Sheridan, Tarik Sultan, and Rebecca Whitehouse*

**Registration Deadline: Wednesday July 8, 2009 11:59pm**

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### Seminar Outline

#### FIRST Phone Session on May 14: Solutions for Short-term Needs

1. Permissible B-1 activities and compensation
2. B-1 Activities under NAFTA vs. Regular B-1 vs B-1 in Lieu of H-1B
3. B-1 Extension/Change of Status Issues
4. When should you use B-1 in lieu of H-3 as opposed to a simple B-1?
5. B-1 in lieu of H-3 vs. H-3 vs. J-1 intern/trainee: are they interchangeable? Pros & cons of each.
6. Other J-1 options: research scholar, specialist, short-term scholar.

#### SECOND Phone Session on June 4: The Intersection of Immigration and Export Control

1. Deemed Export Elements: Release, Technology, Foreign National, Home Country.
2. Deemed Export Compliance Programs: What warnings and processes for foreign nationals and managers should companies implement?
3. Why eliciting export control information from applicants during the pre-hire process is critical.
4. Pre-hire questions to elicit necessary information for immigration and export control while balancing discrimination concerns.
5. Visas Mantis and the Technology Alert List and how it can result in lengthy background checks (Security Advisory Opinions) for visa applicants.
  - o What triggers an SAO and are there strategies for avoiding them?
  - o What are current SAO processing times?

#### THIRD Phone Session on July 9: Challenging Adjudication Standards for L Intracompany Transfers

1. Recent restrictive interpretation of L-1B specialized knowledge: strategies for presenting the case
2. Recent evidentiary standards for L-1A
3. Subtle differences in adjudication standards for L-1A and EB1 Multinational Managers
4. Adjudication standards for extensions
5. Adjudication standards for blanket Ls
6. Issues arising from corporate reorganizations

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### SELECT YOUR DATES

[ ] CD May 14      [ ] CD June 4      [ ] July 9      2.00pm to 3.30pm ET (11.00am to 12.30pm PT)

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(→ see next page for speaker bios)



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### About the Speakers

[Amanda Petersen](#) (Co-discussion Leader) supervises the International Services group of the Fermi Research Alliance, LLC (FRA), which manages and operates the Fermi National Accelerator Laboratory (Fermilab) under contract with the U.S. Department of Energy. In this role, she oversees the preparation and filing of employment-based nonimmigrant and permanent resident petitions, facilitates consular processing of nonimmigrant visas for employees and users of the Lab (including B-1 visas for visiting scientists engaging in collaborative research), and oversees the administration of two J-1 Exchange Visitor programs. She also monitors and analyzes immigration-related bills and legislation for their impact on Fermilab. Prior to coming to FRA, she practiced business immigration law with Mandel, Lipton and Stevenson, Limited, a general practice law firm in Chicago's Loop area with a strong immigration group, on behalf of individuals and businesses ranging from small start-ups to multinational corporations. Ms. Petersen is a member of the American Immigration Lawyers Association. She was born in Edinburgh, Scotland, and grew up in Edmonton, Alberta, Canada.

[Rodney Malpert](#) (Co-discussion Leader) is a partner in Fragomen, Del Rey, Bernsen & Loewy, LLP. Mr. Malpert specializes in all aspects of business-immigration and related laws, with emphasis on corporate reorganizations, pre-hire processes/discrimination, consular practices and security advisory opinions, lobbying and legislative analysis, constitutional/preemption issues and non-immigrant statuses. Prior to joining Fragomen in 2008, Rodney was a shareholder for Littler Global, where he managed the U.S. immigration practice. Formerly he was Senior Counsel at Texas Instruments in Dallas, Texas, where he managed global immigration, and for many years taught Immigration Law at Southern Methodist University Law School. He is a frequent speaker and contributor to a variety of organizations, including The American Immigration Lawyers Association ("AILA"), The American Council on International Personnel (ACIP), the Practising Law Institute, law firms, trade groups and bar associations. His law firm experience includes practices at Baker Botts and Brobeck, Phleger & Harrison.

[Steven Brotherton](#) is a partner in the Export Controls Practice Group of Fragomen, Del Rey, Bernsen & Loewy, LLP. Mr. Brotherton manages the firm's Export Controls Practice Group and counsels clients on export control laws and regulations, including compliance with the Export Administration Regulations ("EAR"), International Traffic in Arms Regulations ("ITAR"), and sanctions regulations administered by the Office of Foreign Assets Control ("OFAC"). He has advised a variety of Fortune 500 companies on export control issues, developed and implemented comprehensive export compliance programs, conducted classifications under the EAR and ITAR, led internal investigations, prepared export licenses and agreements, and has successfully represented companies in connection with government investigations and enforcement actions. He has also developed a proprietary, best-practice method for integrating export control considerations into existing business practices and has received client awards for his strategic consulting efforts. Mr. Brotherton previously worked at The Boeing Company where he advised on licensing, compliance and other export control matters. He is a graduate of Auburn University (B.S.) and University of Alabama (J.D.) and is a member of the California Bar.

[Romulo Guevara](#) is an associate in the Phoenix office of Fragomen, Del Rey, Bernsen & Loewy, LLP. Mr. Guevara represents large global corporate clients in all areas of U.S. business immigration law. He regularly counsels clients regarding temporary work visas and permanent residence sponsorship for its foreign national employees. He also analyses immigration consequences of mergers and acquisitions. Prior to joining Fragomen in 2008, Romulo was an associate with Littler Global. Previously, he practiced immigration law in New York City since 1997.

[Richard A. Gump](#) concentrates his practice in the human resources area of international law, with particular emphasis in immigration and authorized employment. Mr. Gump handled the first employer sanctions case filed in the Southwestern United States under the Immigration Reform and Control Act of 1986 ("IRCA"), and was co-counsel in the largest civil/criminal settlement in worksite compliance history. He has written and lectured on the Act numerous times from coast to coast before the American Bar Association, immigration law groups and trade associations.

[Sandra Sheridan](#) has practiced business immigration law exclusively since 1996. Prior to joining Fragomen in 2008, she was a shareholder at Littler Mendelson, and an associate at Bacon & Dear. Before that, Ms. Sheridan directed the J-1 waiver practice for a physician immigration boutique firm in Northern Virginia. She has extensive experience in J-1 waivers and J-1 program administration, L-1 and O-1 visas, labor certification, permanent residency and consular matters, as well as orchestrating large scale moves of temporary assignees for multinational companies.

[Tarik H. Sultan](#) has concentrated his practice exclusively in immigration law, both in private practice and as an attorney in the U.S. Department of Justice with the U.S. Immigration Court. He is listed in The Best Lawyers in America for immigration law and Superlawyers.com as one of the top 5% in immigration law, and has the highest "AV" rating in the Martindale-Hubbell legal directory. Prior to forming Wolf & Sultan P.C., Mr. Sultan practiced in the corporate immigration practice group of a 600+ lawyer international law firm. His practice is focused in all areas and aspects of immigration law, with a particular emphasis in employment-based visas and employer sanctions defense. He is a former Director on the National Board of Governors for AILA, and has served on numerous national liaison committees with the Departments of Labor and Justice. Mr. Sultan has also testified as an expert in several litigation matters involving immigration and nationality issues. He is a graduate of the University of Arizona College of Law, where he served as Managing Editor of the Arizona Journal of International and Comparative Law.

[Rebecca S. Whitehouse](#) began her practice in 1992 with the Houston office of Baker and Botts, LLP. In 1999, she transferred to the firm's Austin office, where she practiced labor/employment law and business immigration law. Ms. Whitehouse has represented employers in a wide range of employment matters, such as discipline and discharge issues, employee testing, defending discrimination and retaliation charges, and drafting and enforcing employment policies. She also assists employers with hiring and transferring foreign national employees, I-9 compliance, and obtaining and maintaining employment authorization. Ms. Whitehouse has given seminar presentations on topics such as alternative dispute resolution, the Texas Unemployment Compensation System, emerging employment law issues, employee discipline and discharge, and compliance with immigration laws. She received a B.A. in Psychology from the University of Michigan in 1988, and a J.D. degree from the University of Michigan in 1991. She is a member of both the State Bar of Texas and the American Bar Association, and she is admitted to practice before the Fifth Circuit Court of Appeals and the United States District Courts for the Southern, Northern and Western Districts of Texas.